

REMARKS

Claims 1-22, 24, 26-40, and 42-54 are pending, with claims 1, 20, 21, 22, 44, 45, and 51 being independent. Claims 1-21, 38, and 45-48 are withdrawn from consideration.

Request for Initialed Items on PTO-1449

Initially, Applicant notes that the Examiner has crossed through item AL on the PTO-1449 submitted on September 23, 2005 and items IV, IW, and IX submitted on the PTO-1449 submitted on September 28, 2004. Because these items were properly submitted, Applicant asks that the Examiner initial these references to indicate he has considered it, even if the Examiner does not believe this is an appropriate item to list on the front of any patent that issues from this application. The PTO-1449s were submitted prior to receiving an office action and, therefore, was timely under 37 C.F.R. 1.97. This listing of "other information" is appropriate under 37 C.F.R. 1.98. See, 37 C.F.R. 1.98 (a)(1) (An IDS includes a "list of all patents, publications, applications, or other information submitted for consideration by the Office."). Applicant provided a legible copy of these documents as required under 37 C.F.R. 1.98(a)(2)(iv). Further, these documents were in the English language. Therefore, these items were properly listed on the PTO-1449 and provided to the Patent Office. As a result, the Examiner should have considered it and Applicant asks that he acknowledge these items.

Rejections under 35 U.S.C. 112

Claims 41 and 43 were rejected under 35 U.S.C. 112, second paragraph as being indefinite. Applicant submits that the cancellation of claim 41 and the amendment of claim 43 obviates these rejections.

Claim 29 is rejected under 35 U.S.C. 112, second paragraph as being indefinite. The office action simply states that the phrase "the clearance distance increases at a low stroke to reduce starting torque" is wrong because the clearance distance increasing at a low stroke is not described or shown. To the contrary, the second order curve shows an example of the clearance

distance increasing at a low stroke (compare the 8 degree point on the curve to the 9 degree point on the curve). Accordingly, Applicant requests that this rejection be withdrawn.

Rejections under 35 U.S.C. 102 and 103

Applicant has amended independent claims 22, 44, and 51 to include the subject matter of claim 25, which was indicated as containing allowing subject matter. Further, claim 30 has been re-written into independent form and introduced as independent claim 52. Therefore, Applicant submits that independent claims 22, 44, 51, and 52, and those claims that depend from them, are allowable.

Conclusion

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim or any characterization of the scope or content of the prior art, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.


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Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 7/26/07


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